

[No. 10]

**SUBCOMMITTEE NO. 1 CONSIDERATION OF H.R. 4338, H.R. 4739, AND
H.R. 2989**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE No. 1,
Washington, D.C., Tuesday, May 28, 1963.

The subcommittee met, pursuant to adjournment, at 10 a.m., in room 313-A, Cannon Office Building, Hon. Mendel L. Rivers (chairman of the subcommittee) presiding.

Mr. RIVERS. I will ask the committee to come to order.

The first bill, Mr. Blandford, is 4338?

Mr. BLANDFORD. Yes, sir.

(The bill is as follows:)

[H.R. 4338, 88th Cong., 1st sess.]

A BILL To amend title 37, United States Code, to authorize travel and transportation allowances for travel performed under orders that are canceled, revoked, or modified, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 37, United States Code, is amended as follows:

(1) The following new section is inserted after section 406:

"§ 406a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified

"Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances under section 404 of this title, and to transportation of his dependents, baggage, and household effects under sections 406 and 409 of this title, if otherwise qualified, for travel performed before the effective date of orders that direct him to make a change of station and that are later—

"(1) canceled, revoked, or modified to direct him to return to the station from which he was being transferred; or

"(2) modified to direct him to make a different change of station."

(2) The following new item is inserted in the analysis:

"406a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified."

SEC. 2. This Act becomes effective on October 1, 1949. Any member or former member of the uniformed services who, after September 30, 1949, but before the date of enactment of this Act, has not been paid, or has repaid the United States, an amount to which he otherwise would have been entitled had section 1 of this Act been in effect during that period is entitled to be paid or repaid that amount, if the payment or repayment is otherwise proper and he applies for the payment or repayment within one year after the date of enactment of this Act.

SEC. 3. Any appropriations available to the departments concerned for the pay and allowances of members of the uniformed services are available for payments under this Act.

Mr. RIVERS. The purpose of H.R. 4338 is to amend title 37, United States Code, by adding a new section to provide that a member of

(2993)

2994

the uniformed services shall be entitled to travel and transportation allowances, and reimbursement for transportation of his dependents, baggage, and household goods for travel performed under orders directing him to make a change of station that are later canceled, revoked, or modified to direct him to return to the station of origin or to another station.

Situations have arisen in the past in which personnel have been granted leave before reporting to their new duty stations, and, while on leave, their orders are changed. Under existing law personnel in this situation can only be reimbursed for travel from their old duty station to the new duty station, even though they may have left their old duty station and proceeded long distances toward the duty station designated in their original orders.

Under existing law if the change in orders takes place while in a leave status they are considered, for reimbursement purposes, to be stationed at their old duty station. Obviously, this works a great inequity in case of members of the uniformed services who have already proceeded, while in a leave status, toward their new duty station which may be in the opposite direction of the duty station to which they are ordered under the modified or revoked orders.

The proposed legislation is retroactive to October 1, 1949, and it is estimated to involve a cost of approximately \$524,000.

The proposed legislation was contained in a section of the original proposed military pay increase bill submitted by the Department of Defense. It was deleted from that bill so that it could be considered separately by the subcommittee and the full committee as you remember.

I am sure the subcommittee remembers this provision that we took out.

Now, Mr. Blandford, if there are no questions let's start with the first witness.

Mr. BLANDFORD. Colonel Scanlan.

Mr. RIVERS. And the first witness is Col. J. W. Scanlan. Colonel, you represent the Department?

Colonel SCANLAN. Yes, sir.

Mr. RIVERS. Have a seat, sir.

Colonel SCANLAN. Thank you, sir.

Mr. RIVERS. Have you a prepared statement?

Colonel SCANLAN. I have.

Mr. RIVERS. Go ahead and read it and then we will ask you some questions.

Colonel SCANLAN. Mr. Chairman and members of the committee, I am Col. J. W. Scanlan, of the Policy Division, Directorate of Personnel Planning, Headquarters, U.S. Air Force. It is a privilege for me to appear before you today to express the unqualified support of the Department of the Air Force and the Department of Defense for the provisions of H.R. 4338.

The purpose of this proposed legislation is to authorize reimbursement to a member for travel performed by himself and/or his dependents under orders that direct him to make a change of station and that are subsequently canceled, revoked, or modified.

Current law and regulations authorize transportation in kind or reimbursement therefore, for members of the uniformed services, their

dependents and household goods upon a change of station. In the majority of cases there is no problem in the administration of this law.

A problem arises, however, in some of the cases where orders are canceled or modified after a member or dependents have departed the last duty station. The problem arises because of the definition of the effective date of orders in connection with a change of station. The rule as stated by the Comptroller General is that the effective date of orders is the date of detachment from the old duty station if no delay or leave is involved. If a leave or delay is involved, the effective date becomes that date on which the member would have been detached to arrive at the new station on the reporting date without a delay or leave. Under regulations of all of the services, travel may begin at any date after orders are received. Notwithstanding this authority, entitlement to travel allowances depends on the effective date of orders.

Current application of the law and regulations requires a service member either to delay his movement and that of his dependents until the latest date—that is, without considering any leave—on which they could travel to the new duty station or to assume a risk that his orders may be canceled or modified before their effective date. This risk is statistically small, but the financial loss to the individual could be substantial.

The current situation and the need for legislative assistance can best be illustrated by citing several specific examples. Maj. William R. Cook, USAF, was released from assignment with the 15th Tactical Reconnaissance Squadron, Kadena Air Force Base, Okinawa, and assigned to Offutt Air Force Base, Nebr. The orders specified that Major Cook would depart on May 22, 1960, via Military Air Transport Service to Travis Air Force Base, Calif. He was authorized 7 days travel time plus 30 days delay en route. On June 27, 1960, special orders No. AA-1849 were issued by headquarters, 6313th Air Base Wing amending the previous orders pertaining to Major Cook's transfer. These orders assigned Major Cook to Sunnyvale, Calif. On June 23, while on authorized leave, Major Cook was officially notified by telephone of the changes in his duty orders. Major Cook arranged to have the official written change in his orders sent to Offutt Air Force Base. He then proceeded from Ohio (where he had been on leave) to Offutt Air Force Base and on July 5, 1960, he picked up his written orders and proceeded to Sunnyvale, Calif. He reported for duty at Sunnyvale on July 9, 1960. Payment was made for his travel and the travel of his dependents only from the port of debarkation, Travis Air Force Base, Calif., to his ultimate duty station, Sunnyvale, Calif. The difference in this case amounted to \$842.76. A private law was enacted in the 87th Congress for the relief of Major Cook.

Following are the details of a case involving William Joseph Kelly, chief yeoman, U.S. Navy, who died prior to settling claim for travel allowances. In his correspondence with the widow, the Comptroller General summarized the case as follows:

Your husband was transferred by order No. 29-60 prepared September 16, 1959, from Headquarters, First Naval District, Boston, Mass., to the U.S.S. *Ingersoll*, at San Diego, Calif. He was to report not later than November 17, 1959, and was authorized 30 days leave, plus 14 days travel time and 4 days proceed time. You completed travel to San Diego October 26 and he died there October 28.

The Joint Travel Regulations provide that when leave or delay prior to reporting to the new station is authorized in the basic orders, the amount of such leave or delay will be added to the date of release or detachment from the old station to determine the effective date of the orders.

It consistently has been held that no official travel is required under change of station orders until such time as the traveler must depart from the old station by ordinary means of transportation to reach his destination on the date designated by the travel orders. Where the member is granted leave or delay in connection with travel, it is considered that no official travel is required until expiration of such leave or delay.

Therefore, since your husband would not have had to leave his station at Boston until after October 28, 1959, the date he died, in order to reach San Diego by November 17, it must be held that he did not report officially at his new station. For this reason there is no authority to allow your claim for a monetary allowance in lieu of transportation.

These are just two examples of cases which have happened. There have been at least two other private laws enacted in the 87th Congress because of similar circumstances.

1. Private Law 87-494, for the relief of certain members of the U.S. Marine Corps.

2. Private Law 87-668 for the relief of Sgt. Ernest I. Aguilar. Enactment of this proposed legislation would prevent situations of this kind. The bill is retroactive in that, subject to making a claim within 1 year from the date of enactment, it would authorize reimbursement to those members who may have incurred additional expenses as a result of modification of orders.

The exact number of individuals and the distances involved cannot be precisely determined. However, based on a statistical sampling, it is estimated that the cost of this legislation will be approximately \$524,000.

Mr. Chairman, that completes my prepared statement.

There are witnesses from the other services that will be glad to answer any questions that you may have.

Mr. RIVERS. Let me ask you one question.

The Comptroller has consistently held that the effective date is the controlling element in the determination of the payment or the obligation.

Colonel SCANLAN. Yes, sir.

Mr. RIVERS. Is that the key to it?

Colonel SCANLAN. That is correct.

Mr. RIVERS. Is that right, Mr. Blandford?

Mr. BLANDFORD. Yes sir. Actually what it boils down to is that the man is officially assigned to his old duty station until the last day that it would be possible for him to leave from his old duty station and proceed immediately to his new duty station.

Mr. RIVERS. I see. And any time in the interim there he travels at own hazard?

Mr. BLANDFORD. He travels at his own risk.

This situation I might say was rather dramatically brought to the committee's attention by a Comptroller General's decision in the case of an Army captain who reported to San Francisco and his wife and two children were living in California.

He was ordered to Fort Benning, Ga. He put his wife and two children on the airplane to proceed to New York where his wife's family lived. He had 30 days leave and I think 10 days travel. He then drove the family automobile across the country. When he ar-

rived in New York City there was a telegram awaiting him indicating that his orders had been changed from Fort Benning, Ga., to Bremerton, Wash.

He was allowed travel and transportation for his household effects and his family only from San Francisco to Bremerton, Wash. And he had of course paid the expenses of his family and his own travel from San Francisco to New York, thinking that he would be reimbursed for his travel from San Francisco to Fort Benning.

Actually it cost him about \$700 or \$800 out of his own pocket.

Now this prompted the chairman to write a rather emphatic letter to the Department of Defense calling this to their attention and stating that this was a classic example of poor administration.

Because this could have been avoided by one simple phone call from the office that had written the change in orders.

All they had to do was to call San Francisco and inquire as to whether the man and his family were still on the base and then say that the orders had been changed. If they had found that the man had left, in fairness to the individual the orders should not have been written until such time as the man arrived at Fort Benning.

Then they could have sent him a new set of orders directing him to leave Fort Benning which would have authorized him travel from Fort Benning to Bremerton, Wash.

This bill would take care of the situations that happened in the past. They will also cover situations that will undoubtedly arise in the future, where you do not have that type of administration which could obviate these cases from arising.

Mr. RIVERS. Let me understand now about this case you gave.

Major Cook—it is Major Cook, isn't it?

Colonel SCANLAN. Right.

Mr. RIVERS. He left Okinawa and went—just left and came on east.

Colonel SCANLAN. Yes, sir.

Mr. RIVERS. I mean came on east.

Mr. BATES. To Nebraska.

Mr. RIVERS. Nebraska.

Colonel SCANLAN. Proceeding to Offutt.

Travis comes into it because that was the port through which he entered the United States.

Mr. RIVERS. Right. He was en route to Offutt.

Colonel SCANLAN. At Omaha, Nebr.

Mr. RIVERS. And he let his family come, too.

Colonel SCANLAN. Yes sir.

Mr. RIVERS. Now where did his expense occur?

Colonel SCANLAN. His expense was for the travel expenses to Ohio, actually at his leave point.

Mr. RIVERS. That is right.

Colonel SCANLAN. On his way to Offutt.

Mr. RIVERS. On his way to Offutt.

Colonel SCANLAN. He was expecting to report to Offutt upon completion of leave.

Mr. RIVERS. Because he came on a MATS plane to Travis.

Colonel SCANLAN. Yes sir.

Mr. RIVERS. So it is between Travis and Ohio.

Colonel SCANLAN. That is correct.

Mr. RIVERS. And all they paid him for was from Travis to Sunny Vale.

Colonel SCANLAN. Yes sir.

Mr. RIVERS. That is what they said.

Colonel SCANLAN. It was a pretty short distance.

Mr. RIVERS. Yes, it is a very short distance. Any questions?

Mr. BATES. Yes, Mr. Chairman.

Mr. RIVERS. Mr. Bates.

Mr. BATES. Why do you cite this case? There is nothing unusual about that case.

Colonel SCANLAN. Which one, sir? Major Cook?

Mr. BATES. Major Cook.

Colonel SCANLAN. As only an example approximately of the types that could happen.

Mr. BATES. Well this has always been so. This is no new problem. Anyone that had ever had travel orders always faced this problem.

Colonel SCANLAN. That is correct.

Mr. BENNETT. We are now going to correct it.

Mr. BATES. I understand it. Maybe we will and maybe we won't. Let's discuss it.

But I just wondered why you pointed out this case? Because this is very typical. And there is nothing unusual about this case.

Colonel SCANLAN. No sir, we don't claim that there is anything unusual about it. As a matter of fact because it is typical of things that could happen is why it was brought out.

Mr. BATES. He knew when he took his trip that in the event his orders were canceled he would be subjected to this cost.

Colonel SCANLAN. This, if anyone gives it enough thought, is generally the understanding.

I think people generally in connection with the PCS depend on the fact that they are changing stations and they lay their plans accordingly.

In many cases we feel this leave would not have been taken, or leave to those particular locations would not have been taken, if they were not depending on the fact that they were going to complete a PCS.

Mr. BATES. This is something I have heard about for a quarter of a century, I mean this very problem here.

Colonel SCANLAN. Yes, sir. We have tried in various ways to get this corrected. We have asked the Comptroller General on several occasions if we could publish regulations under the existing law which would authorize us to do just what we are trying to do under this law. He said we could not.

He ruled first on the provisions of the JTR and said we could not amend the regulations to do what we are trying to do today.

Mr. BATES. Before I push my question any further, I want to say that I agree with what you are trying to do in the bill. I always felt that if they had left and went to a certain area to visit their folks or in-laws, they shouldn't be penalized when they had a set of orders in their hands and they were subsequently canceled. I have always agreed with that.

But Major Cook's case it seems to me is very typical. There must have been hundreds of cases where people have paid when they made this mistake and didn't get any relief from Congress.

Colonel SCANLAN. Well this is correct, sir, and this is the prime reason why we are trying to make this retroactive so that in those cases where somebody has been financially hurt they can now file a claim.

Mr. BATES. Yes.

Now what has been the view of the Judiciary Committee? Have they granted relief in all cases like this?

Colonel SCANLAN. Any one that I have knowledge of, they have, yes, sir.

That is not a very definite answer. But I only know of Major Cook's case as it pertains to the Air Force.

I have been informed by the Marine Corps of this one that I have listed in the statement and the one by the Army.

Mr. BLANDFORD. That was a unit change, actually.

Colonel SCANLAN. Beg your pardon.

Mr. BLANDFORD. That was a unit change, actually.

Colonel SCANLAN. That is right. That involved—

Mr. BLANDFORD. It was a La Crosse Battalion that was sent on emergency orders.

Colonel SCANLAN. That is right. It involved quite a number of people.

Mr. BATES. Now I haven't read the bill. But the situation as you have it is that they can go ahead on leave, regardless of whether the orders are later canceled, and it will be as though they never had been canceled, and they can proceed immediately upon being detached, regardless of whether the leave is involved.

Colonel SCANLAN. Yes, sir.

I think in effect we are changing—we are changing the effect of the effective date of orders, sir.

Mr. BATES. That is actually what you are doing. Upon the receipt and detachment, irrespective of the fact that you are on leave.

Mr. RIVERS. Instead of the effective date.

Colonel SCANLAN. We are making it the actual day of departure rather than the effective date as now defined. I believe that is a fair statement.

Mr. RIVERS. Yes.

Mr. BLANDFORD. When you say "travel performed," you mean travel actually performed.

Colonel SCANLAN. Correct; yes, sir.

Mr. BLANDFORD. In other words, there must be a verification of travel actually performed.

Colonel SCANLAN. That is right.

Mr. BLANDFORD. Not just the existence of the orders.

Colonel SCANLAN. No. This would not be in any case a gratuity.

Mr. BATES. Well it would not be possible. Because you have to certify on a public voucher.

Mr. RIVERS. That is right.

Mr. BATES. That travel was in fact involved.

Mr. BLANDFORD. That is right.

Mr. BATES. Under the dates and times involved.

Mr. RIVERS. That is exactly right.

Any further questions?

Mr. BATES. I just wondered why October 1949.

Mr. BLANDFORD. The Career Compensation Act.

Colonel SCANLAN. The effective date of the Career Compensation Act.

Mr. BLANDFORD. Which set up all of the travel and transportation regulations.

Mr. BATES. Excepting this particular law was in effect prior to that time.

Mr. BLANDFORD. Not-----

Mr. BATES. Yes.

Mr. BLANDFORD. Not to the extent for which the travel and transportation allowances were authorized in the Career Compensation Act.

Mr. BATES. No, but this set of circumstances providing travel prior to the date you were detached. I don't know how long.

Colonel SCANLAN. The same construction goes back to the Pay Readjustment Act of 1942; yes, sir. As a practical matter, we were unable to find any cases that went prior to October 1, 1949.

Mr. BLANDFORD. Well, the reason: During World War II, in most of the services—I am not sure if it was true in the Navy, but in the Marines, Army, and Air Force there was only one permanent change of station allowed during the entire war.

Colonel SCANLAN. I think so.

Mr. BATES. Now how many cases do you have pending downtown on this now?

Colonel SCANLAN. We are unable to verify the exact number, Mr. Bates. As we state in the statement here, we took a statistical sampling of some experience on this and came up with the cost that we have.

I believe the Army figured on a percentage of the total number of PCS moves that we have per year. And I might add that the future cost of this we would hope to be extremely small. All services have published regulations which will attempt to avoid administratively any situations of this type.

Unfortunately, we can't completely avoid them.

Mr. BATES. Why do you make it retroactive at all? That is not a very good word around the Hill, you know.

Colonel SCANLAN. In justice to those who may have been financially hurt.

Mr. BATES. Now that is so in every case, isn't it?

We got all kinds of cases even pending before this subcommittee where there is merit and justice and people have been hurt. But we haven't taken any action on it.

But why specifically are we making this retroactive?

Colonel SCANLAN. Well, our purpose was to be able to reimburse those people who may submit a claim who have the same circumstances as Major Cook and these other people who were afforded relief by private bills.

Mr. BATES. That is what I wanted you to say. All right. And I think that is the only justification.

Colonel SCANLAN. Yes, sir.

Mr. BATES. If Major Cook hadn't had relief, I wouldn't go along with it retroactively. But since some have, I don't see how you are going to give it to some and deny it to the others.

Mr. RIVERS. Mr. Bennett?

Mr. BENNETT. No questions.

Mr. RIVERS. Mr. Huddleston?

Mr. HUDDLESTON. Colonel, suppose a man was ordered from Travis to say Barksdale and he lived in the neighborhood of Barksdale, which was his home, and he took his family over there and prepared what was a transfer, and then his orders were changed from Travis to say Maxwell. Would he under this legislation receive the allowances from Travis to Barksdale and then in addition the allowances from Travis to Maxwell?

Colonel SCANLAN. If this travel were actually performed; yes, sir.

Mr. HUDDLESTON. In other words, he would be making the same trip only once, but he would get paid twice for it—from Travis as far as Barksdale—

Mr. BLANDFORD. He would be paid from Travis to Barksdale on the original set of orders, and from Barksdale to Maxwell.

Mr. RIVERS. Yes.

Mr. HUDDLESTON. In other words, it won't go back.

Mr. BLANDFORD. No. He would not pick up from Travis to Maxwell.

Mr. HUDDLESTON. Now this Major Cook: Under this legislation, he would have been paid from Travis to Offutt and—

Mr. BLANDFORD. And then Offutt back to Sunny Vale.

Mr. HUDDLESTON. Back to Sunny Vale. I see.

Mr. BLANDFORD. It is not where he went on leave. It is where the permanent change of station orders direct him to go.

Mr. HUDDLESTON. I wanted to say, if the initial order and the second orders provide for transferring him to installations that were fairly close together, that he won't be paid twice for making the same trip.

Colonel SCANLAN. No, sir. I am sorry if I misunderstood your question.

That is not the intent of the bill at all. It is for the travel that was actually performed to the duty station in the case that you cited.

Mr. HUDDLESTON. All right.

Mr. RIVERS. Are you finished?

Mr. HUDDLESTON. That is all.

Mr. RIVERS. This thing could work a hardship.

Mr. BATES. Mr. Chairman.

Mr. RIVERS. Mr. Bates.

Mr. BATES. Are our officers still required to advise where they will be on leave?

Colonel SCANLAN. Yes, sir.

Mr. BATES. In the event that the responsible command should attempt to contact this individual where the individual is supposed to be on leave and he is not there, where do we now stand under this bill or in prior cases?

In other words, what responsibility does the individual have?

Colonel SCANLAN. The individual has the responsibility of keeping his parent command informed of his whereabouts while he is on leave.

Mr. BATES. All right.

Colonel SCANLAN. I don't know of any cases where we have failed to be able to contact the man who was on leave within a reasonable period of time, say 24 hours.

Mr. BATES. I think we ought to kind of spell it out, just in the event that this develops later on.

Is this carte blanche authority, or is there also a responsibility under your own rules and regulations for the individual to advise where he is going to be, so he can be notified?

Colonel SCANLAN. There is positive requirement in regulations for a man to keep his command informed as to where he will be on leave.

As a matter of fact it appears in his leave orders.

Mr. BATES. Now for legislative background purposes, if an individual is not where he is supposed to be and the command attempts to get in touch with him, then he shall not get paid to the distance that he would have traveled to had he done it prior to this time.

Colonel SCANLAN. I would say that it certainly would not give him any greater entitlement.

Mr. BATES. Of course it would not.

Colonel SCANLAN. Then it would have had we been able to contact him.

In other words, the damage is usually done when he is at the leave point. He has already paid the travel—

Mr. BATES. Oh, not necessarily. If he is going from the east coast, he might be stopping halfway in between, say Chicago.

Colonel SCANLAN. Yes, sir.

Mr. BATES. Say suppose he is supposed to go back to Fort Dix or some other place.

Now what would be the situation then.

Colonel SCANLAN. I would say that definitely he could not accrue any benefit out of this law because of our not being able to reach him. There is nothing on that point specifically in the bill.

Mr. BATES. Right.

Colonel SCANLAN. But I believe that this is adequately covered in our regulations.

Mr. BLANDFORD. It says it is subject to uniform regulations to be prescribed.

Colonel SCANLAN. Yes, sir. The JTR must implement this law.

Mr. RIVERS. This—excuse me.

Mr. BATES. Now we did make some comment a little while ago in respect to the detached day and the time it takes to get from one place to another. Now how about this proceed time, this 4 days? Is that still in effect, where you have a proceed time?

Colonel SCANLAN. It is in the Navy and Marine Corps that this is used.

Mr. BATES. Now what is the situation today if an individual travels during that proceed time? It is still not in the period which is necessary to get from point X to Y. But he can then collect—now if he travels during proceed time?

Colonel HUDOCK. I am Lt. Col. John C. Hudock, USMC, Director, Disbursing Division.

Under the proceed and without any leave, it would be no travel because there would be no entitlement because proceed is nothing more than getting ready to travel.

Mr. BATES. Yes, but you have been detached, have you not?

Colonel HUDOCK. If you are detached and you are in proceed time, it would be the same as being on leave.

Mr. BATES. Now you get detached. You have 4 days proceed time. And after that you have the normal amount of time to travel from one point to another.

Colonel HUDOCK. Right.

Mr. BATES. Right. Now today if you travel during proceed time, you can collect—

Colonel HUDOCK. No, I am sorry. You can't collect because it is the same as if you are on leave.

Mr. BLANDFORD. That is the proceed time.

Mr. BATES. I wanted to get that squared away.

So you can't proceed during proceed time.

Colonel HUDOCK. That is right.

Mr. RIVERS. That is right.

This works a particular hardship on a man who has built up some time and has been confined to a critical job in a critical command and he takes off from some foreign station, for instance, like Okinawa, or whatever it is, with his family.

Of course the Marines don't have any families on Okinawa. The Air Force does.

Does the Army have anybody on Okinawa?

Mr. BLANDFORD. Oh, yes.

Mr. RIVERS. It is just the Marines and the Navy, is that right?

Mr. BLANDFORD. No, sir, there is quite an Army detachment. As a matter of fact, there is more than a brigade in Okinawa, with families.

Mr. RIVERS. The Marines are the only ones in the services that don't take families now, isn't that right?

(No response.)

Mr. RIVERS. Any other questions?

(No response.)

Mr. RIVERS. Without objection, the bill—any change in the bill, Mr. Blandford?

Mr. BLANDFORD. No, sir, no amendments.

Mr. RIVERS. Without objection the bill will be favorably reported to the full committee.

(Whereupon at 10:45 a.m., the committee proceeded to further business.)

Mr. RIVERS. Now the next bill is H.R.—

Mr. BLANDFORD. 4739.

Mr. RIVERS. 4739.

(The bill is as follows:)

[H.R. 4739, 88th Cong., 1st sess.]

A BILL To amend section 406 of title 37, United States Code, with regard to the advance movement of dependents and baggage and household effects of members of the uniformed services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 406 of title 37, United States Code, is amended by adding the following new subsection at the end thereof:

"(h) In the case of a member who is serving at a station outside the United States or in Hawaii or Alaska, if the Secretary concerned determines it to be in the best interests of the member or his dependents and the United States, he may, when orders directing a change of permanent station for the member concerned have not been issued, or when they have been issued but cannot be used as authority for the transportation of his dependents, baggage, and household effects—

"(1) authorize the movement of the member's dependents, baggage, and household effects at that station to an appropriate location in the United States or its possessions and prescribe transportation in kind, reimbursement therefor, or a monetary allowance in place thereof, as the case may be, as authorized under subsection (a) or (b) of this section; and

"(2) authorize the transportation of one motor vehicle owned by the member and for his or his dependents' personal use to that location on a vessel owned, leased, or chartered by the United States or by privately owned American shipping services.

If the member's baggage and household effects are in non-temporary storage under subsection (d) of this section, the Secretary concerned may authorize their movement to the location concerned and prescribe transportation in kind or reimbursement therefor, as authorized under subsection (b) of this section. For the purposes of this section, a member's unmarried child for whom the member received transportation in kind to his station outside the United States or in Hawaii or Alaska, reimbursement therefor, or a monetary allowance in place thereof and who became 21 years of age while the member was serving at that station shall be considered as a dependent of the member."

(b) The text of section 2634 of title 10, United States Code, is amended to read as follows:

"When a member of an armed force is ordered to make a permanent change of station, one motor vehicle owned by him and for his personal use may be transported to his new station at the expense of the United States—

"(1) on a vessel owned, leased, or chartered by the United States; or

"(2) by privately owned American shipping services;

unless a motor vehicle owned by him was transported in advance of that permanent change of station under section 406(h) of title 37."

(c) (1) Section 3(a) of the Act of August 10, 1956, ch. 1041, as amended (33 U.S.C. 857a(a)), is amended by adding the following new clause at the end thereof:

"(11) Section 2634, Motor vehicles: for members on permanent change of station."

(2) Section 20 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853s) is repealed.

(d) Section 221(a) of the Public Health Service Act, as amended (42 U.S.C. 213a(a)), is amended by adding the following new clause at the end thereof:

"(10) Section 2634, Motor vehicles: for members on permanent change of station."

Mr. RIVERS. The purpose of this bill is to amend section 406 of title 37, United States Code, with regard to the advance movement of dependents, baggage and household effects of members of the uniformed services.

The bill, H.R. 4739, was originally contained in section 18 of H.R. 3006, the proposed military pay increase bill. It was deleted by the subcommittee and introduced as separate legislation.

This bill provides authority for the advance return of dependents, household goods, baggage, and privately owned vehicles of military members from overseas areas to locations in the United States or its possessions, when such return is determined to be in the best interests of the member or his dependents and the United States, and authorizes the return transportation to the United States or its possessions, of unmarried children of a member who become 21 years of age while the member is assigned to overseas duty.

Under existing law, authority for advance return of dependents and household goods of members is limited to "unusual or emergency circumstances." These limitations have been found too restrictive to meet the needs of the Services. Unforeseen family problems and changes in a member's status, for example, require the advance return of dependents, household goods, and privately owned vehicles from an overseas area to the United States. Such circumstances, however,

often do not satisfy the "unusual or emergency" requirement of the present law.

It is estimated that enactment of the proposed legislation will involve an annual cost of \$632,000, in round figures.

Now who is the witness on this?

Mr. BLANDFORD. Major Twisdale.

Mr. RIVERS. This is Major Twisdale.

Is it Twisdale?

Mr. BLANDFORD. Yes, sir.

Mr. RIVERS. U.S. Army.

Major, have you a prepared statement?

Major TWISDALE. Yes sir.

Mr. RIVERS. Have a seat and proceed.

You will proceed under the procedure of the last bill.

Major TWISDALE. Mr. Chairman and Members of the Committee:

I am Maj. T. M. Twisdale, Office, Chief of Finance, U.S. Army.

It is a pleasure to appear before you in support of this bill.

The purpose of this legislation is to permit the Secretaries concerned to authorize by appropriate regulations the advance return of dependents, household goods, and privately owned vehicles of military members from overseas areas to locations in the United States when such return is determined to be in the best interests of the member or dependent and the Government, and to authorize return transportation to the United States of unmarried children of a member who become 21 years of age while the member is assigned on duty overseas.

Under the present provisions of section 406(e) of title 37, United States Code, authority for advance return of dependents and household goods of members is limited to "unusual or emergency circumstances." These limitations have been found undesirable, and too restrictive to meet the needs of the services. The advance return of dependents under circumstances which under present law and rulings of the Comptroller General may not be regarded as "unusual or emergency" in nature is considered essential from the standpoint of the morale and welfare of members and their dependents.

Unforeseen family problems, changes in a member's status, and changing economic and political conditions in the various overseas areas at times require the advance return of dependents, household goods, and privately owned vehicles from an overseas area to the United States, as being in the best interest of the individual and the Government. Such instances, however, often do not satisfy the "unusual or emergency circumstances" requirement of the present law. Dependents who are confronted with compelling personal problems for which advance return is not now authorized place an additional administrative burden on overseas commanders. Those dependents may also have an adverse effect on the sponsor's performance of duty and the operational readiness of our combat forces. In certain instances in the past they have caused incidents prejudicial to the best interests of the United States. Examples of situations warranting advance return of dependents would include such compelling personal reasons as marital difficulties, extreme financial difficulties brought about by circumstances such as confinement or reduction in grade of the member, which preclude the furnishing of adequate support for dependents, death or serious illness of close relatives, and other situations in which

the appropriate commander determines that the best interests of the Government and the member or dependent will be served. It is normally best to permit, or if necessary require, these dependents to be returned to locations in the United States in advance of the return of the sponsors.

Under present law, section 7 of the Administrative Expense Act of 1946, as amended by the act of August 31, 1954 (5 U.S.C. 73b-3), and regulations issued pursuant thereto, members of the immediate family and household goods of a civilian employee serving outside the United States may be returned to the United States, prior to return of the employee, at Government expense when determined in the public interest, or if the return is for any other reason the employee may be reimbursed for such expenses upon completion of his agreed period of service. It is considered that military personnel should be afforded return transportation benefits at least equivalent to those provided for civilian employees serving overseas, and since military members are required to complete assigned overseas tours of duty, the legislation proposed would in this respect extend to the military members substantially the same rights now provided for civilian employees serving overseas.

If the proposed legislation is enacted, administration of the advance return of dependents and household goods thereunder will be in accordance with the provisions of the Joint Travel Regulations (pars. 7103 and 8303) which govern the advance return of dependents and household goods under present law. These current regulations were approved by the Comptroller General of the United States in decision B-136163, dated August 31, 1959. Ordinarily, under these regulations prior to the ordered return of the member to the United States no further transportation of dependents or household goods is authorized, and upon his return the transportation authorized is limited to that from the place to which dependents were transported at Government expense to the member's new duty station. However, for members entitled to transportation of dependents the Secretary of the service concerned or his designated representative (after due consideration of the reasons which required the advance return of dependents) may authorize transportation of dependents to the member's current or subsequent duty station outside the United States provided at least 12 months remain in the member's tour of duty at that station on the date of the scheduled arrival of the dependents at the member's duty station. Such transportation will not exceed the cost from the place to which they were transported upon advance return.

Upon the permanent change of station of a member from overseas to the United States present law authorized the return of a privately owned vehicle, however, there is no authority for its advance return. When dependents are returned in advance, an automobile for use by dependents in the United States would in most instances be a necessity. Authority for the advance return of a privately owned vehicle at the time dependents are returned is therefore considered necessary. Movement of an automobile under such authority would of course preclude the return transportation to the United States at Government expense of any additional vehicle that may be owned or acquired by the sponsor subsequent to the advance movement of his dependents. Under the proposed bill transportation of privately owned vehicles

would be on vessels, owned, leased, or chartered by the United States, or by privately owned American shipping services.

With respect to the return of the children of a member who attain the age of 21 years while overseas, it is considered that the Government has a responsibility to provide return transportation to the United States of the children of a member who were transported overseas at Government expense, incident to a sponsor's change of permanent duty station, and who attain the age of 21 years while the member is serving overseas. Under the proposed bill the Government's responsibility for the return of such children upon advance return of dependents or upon the assignment of the member to duty in the United States would be recognized.

Inasmuch as the Government would ultimately be required to pay the costs of return transportation of dependents, and movement of baggage, household goods, and privately owned vehicles, on permanent change of station of the sponsor in almost every instance, the enactment of this legislation would result in only nominal increases in budgetary requirements, which can be absorbed within existing appropriations.

Mr. Chairman, this concludes my prepared statement.

Mr. RIVERS. Now what brought about this legislation, other than the fact that it didn't have any place in the pay bill?

Mr. BLANDFORD. Actually, Mr. Chairman, the services have strained under existing law to accommodate people who have been faced with some rather difficult decisions overseas.

Can I give you an example off the record, how this operates. This is off the record, Sam—

Let's say that an individual, an E-4—you can put this on the record.

An E-4 with 4 years of service or more is authorized to transport his dependents overseas.

Let's say he is an E-5. He goes we will say to England with his wife and two children.

This particular instance actually happened, the husband began to show interest in a British girl and for practical purposes moved out of the household and the wife quite naturally did not want to continue living with this man. She wanted to return to the United States.

Now there is no authority under existing regulations or under existing law to take that family and the two children back to the United States, strangely enough.

The only way that it could be done to satisfy the regulations was for the commanding officer to declare that perfectly innocent girl persona non grata—is that not correct, Major?

(Major Twisdale nods in the affirmative.)

Mr. BLANDFORD. In the area.

Which was a stigma upon her reputation. But this was the only possible way that the Government could move that wife and two children back to the United States at Government expense.

Now this would be an example of an unusual situation where the Government would permit the wife and two children and whatever household effects they agreed upon were to be hers to be returned to some location in the United States.

And in addition, one car, if they had taken a car over there, could be returned to the United States.

Mr. RIVERS. And also any child, that got to be 21.

Mr. BLANDFORD. Well, those are other cases.

What I am giving you is an example of the situation that has arisen under which this law would be applicable, because it would be an unusual situation.

Mr. RIVERS. Now this bill gives the commanding officer, or whomever he may be, commanding general, more discretion on interpreting that unusual situation.

Mr. BLANDFORD. It gives him broad discretion under what the Joint Travel Regulations will prescribe.

Now there are questions that I think we should develop for the record here immediately, because this is the sort of a regulation or the sort of a law that could be abused.

Mr. BENNETT. Well, let me ask you one right there.

Suppose they made up after the lady came back to the United States.

Mr. BLANDFORD. Well, that is quite possible. And then this bill would permit under exceptions—if say the E-5 had an additional 12 months to serve, it would permit under the regulations this family to be moved back to England at Government expense.

Now these are the sort of things——

Mr. BENNETT. Then if they move back again when they came back—in other words, the family might achieve a trip back to the United States——

Mr. BLANDFORD. That is exactly right.

Mr. BENNETT. In the process of falling out with the man that was the head of the family.

Mr. BLANDFORD. There is no question about it.

And you have these additional factors that you have to consider.

Under this bill, and this is why I think we ought to get the record very clear here as to what we intend by this proposed legislation, it would be possible—and this happens frequently—for a wife to have a nervous breakdown and to actually convince the commanding officer that she should return to her home in California. Then she takes the children with her and the household effects and the Government moves them at Government expense, not to the point of debarkation but to California at Government expense.

Six months later the husband still has a year and a half to serve because he went over with his dependents on a long tour, and the doctors say that she is now capable of traveling back to Europe and she can now live in the European Community, that she is adjusted to this sort of thing, and that therefore the Government would pick up her household effects and move the entire family back to Europe.

Now I think it is clear that this type of legislation could be abused. I don't think there is any doubt about it.

And it is going to be a question of how tight the regulations are written and how well they are policed.

Mr. RIVERS. Of course it is not possible——

Mr. BLANDFORD. Am I correct in my analysis of this, Major?

Major TWISDALE. Yes, sir, it would be possible. But it is not intended——

Mr. BLANDFORD. No, no, I am not saying that this is what you intend to do. I am talking about what is possible.

Mr. BATES. Let me ask you one question.

As you read your statement and the chairman read his, I didn't understand that this family could then be sent back to the place from which they came.

Now where in your statement is that?

Major TWISDALE. Sir, it is covered in the portion which provided they could be returned if a situation had been remedied and he still had at least 1 year remaining.

Mr. RIVERS. If he had 12 months remaining.

Major TWISDALE. Yes, sir.

Mr. RIVERS. That is where the 12 months came in.

Major TWISDALE. That is correct.

Mr. BLANDFORD. That is right.

Mr. RIVERS. I see.

Now if he had 11 months, it couldn't be done?

Major TWISDALE. No, sir.

Mr. RIVERS. You have to have a cutoff date.

Mr. BATES. I think if this is what we are doing, we are using the wrong language. This is not an advance. We are talking about something much more inclusive than that.

We are talking about a free trip home, and back again, too, as well as advance travel on a set of orders.

Now I thought all this meant was a couple of months or so, some unspecified time, before an individual actually received his orders, although he expected them, to move back because of school opening we will say in September, for one thing—to make it convenient for a family. But not a situation where you might have a little spat and want to go home and then come back again.

Can you do that under the present set of orders?

Major TWISDALE. No.

Mr. BATES. Under the present rules.

Major TWISDALE. No sir, we do not. Nor it is intended under the proposed bill.

Mr. BATES. You tell us what you do under that.

Major TWISDALE. This would be governed by the Joint Travel Regulations, which at one time prescribed conditions under which dependents may be returned, for example, because of financial difficulties or marital difficulties.

This is where the Comptroller General ruled that, such was not the intent of the law—

Mr. BATES. I want to know this. Can they then be returned later on to the same place from which he came even though the husband does not have a new set of orders?

Major TWISDALE. Not according to the proposed bill or regulations which would be promulgated by the per diem, Transportation Travel Allowance Committee.

Mr. BATES. Does everybody understand it the same way?

Mr. BLANDFORD. Well, Mr. Bates, I understand what the witness testified to.

As I understand it, it is possible for this family—let's read back what the witness said.

Mr. BATES. All right.

Mr. BLANDFORD (reading) :

However, if a member is entitled to transportation of dependents——

Mr. BATES. Page?

Mr. BLANDFORD. On page 3——

the Secretary of the service concerned or his designated representative (after due consideration of the reasons which required advance return of dependents) may authorize transportation of dependents to the member's current or subsequent duty station outside the United States, provided at least 12 months remain of the member's tour of duty at that station on the date of the scheduled arrival of the dependents at the member's duty station. Such transportation——

I don't understand this sentence.

Such transportation will not exceed the cost from the place to which they were transported upon advance return.

I presume what you mean is that so far as the cost of moving the family from Europe to the United States, the return to Europe may not exceed the original cost of taking them from Europe back to the United States.

In case the family has decided to settle in Maine and then while they are recovering from this nervous breakdown moves to California——

Major TWISDALE. Right.

Mr. BLANDFORD. Then they would be restricted to the cost of travel from Maine back to Europe, is that the idea?

Major TWISDALE. That is correct.

Mr. BATES. Now this does say the family can be returned.

Mr. BLANDFORD. Very definitely.

Major TWISDALE. If the situation is remedied.

Mr. RIVERS. Provided he has a year remaining.

Major TWISDALE. Yes, sir.

Mr. BLANDFORD. Yes, sir.

Mr. BENNETT. Mr. Chairman, it doesn't seem unreasonable to me that we ought to consider an amendment to make this a one-trip situation. Because after all we are improving the situation over what it now is.

And it seems to me that with some personnel it might be quite a problem, particularly if you had a neurotic wife.

You might have somebody want to come back and forth pretty frequently, and this would present the commanding officer with a lot of problems.

And since we are improving the situation we now have, I would think we ought to make it a one-trip situation. After that we would have to bring the wife over at his own expense.

Mr. BATES. You are going to get more people sick and with nervous breakdowns to get a free trip back home.

You don't do that today.

Major TWISDALE. Sir, it is currently provided for, under unusual circumstances, under which we have done it.

Mr. BATES. You don't do it today.

Major TWISDALE. It is provided that we can do it under unusual circumstances.

Mr. BATES. Where as a matter of fact you have transferred a family from Europe back to the United States then and under the same set of orders back?

Major TWISDALE. No, sir, except under extreme circumstances.

Mr. BATES. That is what I am asking. You do do it now?

Major TWISDALE. No, sir, except under very discriminating circumstances.

Mr. BATES. Under this bill you can.

Mr. BLANDFORD. Let's understand this, Mr. Bates, that the bill doesn't say anything about it.

Mr. BATES. I am talking about the statement he just read.

Mr. BLANDFORD. I think we can remedy the situation right now, by stating in the hearing that it is not intended that these regulations will permit the return of a family that has been returned from an overseas station unless—and I think you will have to make this exception—unless the husband has in the meantime received a new permanent change of station to a place outside the continental limits of the United States.

Mr. RIVERS. Let's just rewrite the bill and put that in the bill. I would rather do it that way.

Major TWISDALE. Sir, may I comment?

This would make it possible then where the dependents were evacuated because of political reasons, and then by this having been remedied later prevent the return of the dependents to the same area.

Mr. GUBSER. You don't want to do that—

Mr. RIVERS. Of course the military has sent a lot of people overseas that shouldn't have been sent. They should have stayed home, some of them.

I have traveled on these MSTs ships, and I have seen some people on board those ships who ought to stay at home.

Now I am not saying who they were. But they weren't very good ambassadors in these foreign countries.

Make them use more discretion in whom they select to go overseas. And they should be selective, because indeed they are ambassadors.

I remember General Hoage. He is now dead.

You remember him?

Major TWISDALE. Yes, sir.

Mr. RIVERS. One of the finest commanding generals who ever lived in my opinion.

He had a lot of trouble with some dependents in some of the bases in Germany, going around in shorts and what have you—all kinds of things like that.

I am not saying you shouldn't wear shorts. But you shouldn't wear them in the Capitol of the United States, and they come through the Capitol that way.

If I had my way about it they wouldn't wear them coming through the Capitol.

But I say some of the dependents—and they are both officers and enlisted—are not very good ambassadors.

And the quicker they can get them out of some of these countries the better off they are.

And if they cause any incident or cause any trouble, they shouldn't come back at Government expense, and return again. But anyway

some of these people—they should use more discretion in the selection of these people. And everybody on this committee knows it.

Mr. BLANDFORD. I would like to ask, Mr. Chairman, in order to clarify the record, under what authority the dependents were evacuated from Guantanamo Bay and then returned to Guantanamo Bay?

Does anybody know the answer to that?

Colonel SCANLAN. That was under the present law which authorizes the return without issuance of orders under unusual and emergency circumstances. Could I say—

Mr. BLANDFORD. In that case, then—what we are talking about here—Major Twisdale said this would prevent the return of people in the position where they have been evacuated under emergency conditions.

We are not talking about existing law. We are talking about the type of regulation that would be issued under this proposed legislation.

Now if existing law permits you to evacuate and return dependents at Government expense after they have been evacuated because of a civil war or something of that nature—what we are talking about here is a restriction to be imposed upon a provision of law that will broaden the authority to evacuate people under conditions that are not unusual or an emergency under existing law.

Mr. BATES. Right.

Mr. BLANDFORD. Isn't that right, Mr. Bates?

Mr. BATES. Right.

Mr. BENNETT. Right.

Mr. BLANDFORD. Why can't we agree here, without revising the bill actually?

Because the bill, and I say this advisedly—you can't write legislation into these travel regulations. They have to be broad.

And the Joint Travel Regulations and the Per Diem Committee, I might say, is a pretty tough committee.

Mr. BATES. And a pretty tough book to interpret, too.

Mr. BLANDFORD. Yes, sir.

But it is so full of so many vagaries—

Mr. BATES. Has that ever been rewritten?

Colonel HUDOCK. No, sir.

Mr. BATES. It was the worse thing I ever read in my life.

Mr. BLANDFORD. It was rewritten in 1949.

Major TWISDALE. Sir, it is constantly being rewritten.

Mr. BLANDFORD. But I would suggest that we state here, Mr. Chairman, for the record, that it is the understanding of the subcommittee that when this provision of law is used for the transportation of dependents back to the United States, that these dependents will not be returned to Europe.

Mr. BATES. Right.

Mr. BLANDFORD. Or to any other station outside the continental limits of the United States.

Is that—

Mr. RIVERS. What about a new order?

Mr. BLANDFORD. I think you would have to make an exception.

For example let me give an example, of a man stationed in Turkey. He was transferred to Europe.

Now let's assume that for some reason or other he had to move his dependents back to the United States.

If he in turn is given a permanent change of station to Europe, you undoubtedly want the dependents to have the right to join him at his new permanent duty station.

Mr. RIVERS. That is what I was talking about a while ago.

Mr. BLANDFORD. Yes, sir.

I think we should make an exception for a permanent change of station.

Mr. BATES. I think Mr. Gubser had a good amendment, too. He can speak for himself.

Mr. RIVERS. Mr. Gubser, we are glad to hear from you.

Mr. GUBSER. I would rather have Mr. Bates represent me on this matter.

Mr. BATES. You want to set a fee?

Mr. RIVERS. No. We will discuss it later on.

Mr. BATES. I think I can see it when he receives a set of orders or when the families were removed for the convenience of the Government, which would have been evacuation, or other things.

Mr. RIVERS. Yes, sir.

Mr. BATES. But on these personal things, especially for a new set of orders, I can't see playing musical chairs with families across the ocean. There are too many.

Mr. BLANDFORD. That is right.

Mr. BATES. And I couldn't understand the circumstances.

Mr. RIVERS. Of course we have to realize this, too, that there are problems, and the commanding officer should be given discretionary authority to handle these problems.

Mr. BLANDFORD. Mr. Chairman, can we understand that if the subcommittee recommends the enactment of legislation, it is with the unanimous understanding that whenever this authority granted in this proposed legislation is exercised it is a one-trip proposition back to the United States, unless the service member concerned receives a new change of orders which constitutes a permanent change of station for him.

Mr. RIVERS. Or unless, on the face of it, it is for the convenience of the Government.

Mr. BATES. Yes.

Mr. BLANDFORD. Of course.

Mr. RIVERS. Say a political situation.

Mr. BENNETT. I so move.

Mr. BATES. Mr. Chairman—

Mr. RIVERS. Let's be definite in this thing.

Mr. BENNETT. Let's be definite about it. Why don't we just move?

Mr. RIVERS. We operate under the Vinson Rules of Order.

Mr. BENNETT. You have to have a motion, or otherwise it won't appear in the record.

Mr. BATES. Mr. Chairman, I have one question under the present law. If the family is in Europe and they go to Chicago—let's take a look at the situation where you move a family under present law from Europe to say Chicago.

You move household effects and the automobile to Chicago.

Major TWISDALE. Not under the present law we can't move the automobile, sir.

Mr. BATES. Right.

Major TWISDALE. Household effects and dependents.

Mr. RIVERS. Right.

Is that understood now?

Mr. BATES. Right, that is correct.

Mr. RIVERS. Does that take care of all the things that have gone in your head on this thing that you brought out to us?

Major TWISDALE. The previous question you are referring to, sir?

Mr. BATES. I am trying to develop something.

Mr. RIVERS. Oh, excuse me. I thought you had finished. All right.

Mr. BATES. Now upon the receipt of a subsequent set of orders, let's say this individual now has gone down to say Florida. Now these household effects can then be moved from say Chicago to Florida?

Major TWISDALE. If the member is transferred from overseas—

Mr. BATES. From Europe to Florida.

Major TWISDALE. To Florida?

Mr. BATES. Right.

Major TWISDALE. They previously had been returned?

Mr. BATES. Right.

Major TWISDALE. From Europe to Chicago?

Mr. BATES. Right, right.

Major TWISDALE. Sir, the dependents would be entitled to transportation from Chicago to his new duty station and the household goods likewise.

Mr. BATES. All right.

Now today when an individual is sent overseas, he can send his household effects where in the United States?

Major TWISDALE. In permanent storage in the United States.

Mr. BATES. Yes, sir. Must it be a specific location?

Major TWISDALE. No sir.

Mr. BATES. It can be any location in the United States.

Major TWISDALE. You mean may the member specify?

Mr. BATES. Yes.

Mr. RIVERS. We passed a bill on that, Mr. Blandford.

Mr. BLANDFORD. Well, that was the storage for people who were placed on the retired list.

Mr. BATES. Well, on the retired list they have a year to decide where they want to live.

Mr. RIVERS. Yes.

Major TWISDALE. Yes.

In answer to your question, as I recall—now this would not be considered permanent storage. It would be shipped to a given point; a designated point.

He may have a home or residence and would prefer to ship his household goods there. They could be moved there on a transfer overseas.

Mr. BATES. At anywhere in the United States.

Major TWISDALE. I think so; yes, sir.

Mr. BATES. I just don't know. Does anybody know definitely?

Colonel SCANLAN. May I answer?

In connection with a permanent change to an oversea location, if the dependents are to accompany within 20 weeks, that is one set of circumstances.

In that case they go into temporary storage and then later they move that part of the household goods which they will use. As you probably know, there is a 2,001-pound weight limitation in some areas. The balance can go into permanent storage.

The member does not specify the location of the storage and he has no access to it. It is at the choice of the Government transportation officer. On the other hand if the dependents will not go overseas or will not go within 20 weeks, the Government may ship his dependents and household goods to a location where they will remain until he returns or until they are able to join him.

Mr. BATES. I see. And the household effects and the travel of dependents on the next change of orders will be from that particular place to where the new duty station will be.

Major TWISDALE. Yes sir.

Mr. GUBSER. Can I ask a question that is somewhat related to this?

Mr. RIVERS. Yes.

Mr. GUBSER. What is the practice of each of the services on these movements within the United States where the moving fee is established by ICC posted tariffs and there is no possibility for competitive bidding for private movers to do the job? What do you do? Do you rotate between qualified carriers?

Major TWISDALE. Sir—

Mr. GUBSER. Or does this vary from post to post?

Major TWISDALE. I am not familiar with that. I would be very happy to find out for you. I have views, but I can't give you a specific answer.

Mr. GUBSER. Well, you can't put it out to bids because these are posted tariffs, that can't be cut, isn't that right? Could the Air Force help me?

Colonel SCANLAN. I could not answer that question positively, sir.

Mr. GUBSER. Well, I have run into a lot of troubles with alleged discrimination in favor of certain carriers, where there is no competition insofar as price is concerned, and it seemed like certain carriers come up with most of the moves and other certificated carriers don't get their share.

I would say just for the record here that I think this ought to be on a rotation basis.

Major TWISDALE. Sir, as I recall, a member may specify a carrier, may ask for a particular carrier.

Mr. BLANDFORD. That is right.

Major TWISDALE. And providing their rates are reasonable within say—rates favorably with other carriers, he may designate.

Mr. GUBSER. The record ought to show here too, right on that point that the allegation is made. And I don't know whether it is true or not—

Mr. RIVERS. I will say this—

Mr. GUBSER (continuing). That sometimes a little pressure is brought to bear in seeing to it that certain carriers are suggested to members.

Mr. RIVERS. I have heard that charge. But where I come from, they have a lot of traveling, too, and they have a pool so to speak, of approved carriers.

And then in the case of the Air Force and the Navy, of my acquaintance, they have to approve the facilities of this company for storage and for transportation.

Then what you say goes on, that is where the serviceman selects the carrier out of that approved group.

Mr. GUBSER. Yes.

Mr. BLANDFORD. Where possible, but it is not binding—were possible they accommodate the request of the individual.

Mr. RIVERS. Whatever it is possible.

Mr. BLANDFORD. But it does not necessarily follow that if the individual wants United Vans to move him, we will say, that United Vans will get the job.

This became, I might add, a subject of a tremendous amount of discussion under Mr. Roland Ceolla.

Many people were involved in this discussion, because you did have the situation where you have State rates vis-a-vis ICC rates.

Mr. RIVERS. Yes.

Mr. BLANDFORD. There really is not competition in the bidding. It was competition only to the extent of satisfied customers, really.

Mr. RIVERS. That is right.

But they don't have the right to select?

Mr. BLANDFORD. You can't—I believe the way the wording is, is that where it is reasonable or possible—

Mr. RIVERS. I see.

Mr. BLANDFORD. The man who elects this company unless this company has gotten the lion's share of the business, they will try to accommodate the request of the individual.

On the other hand, if you have 10 certified movers in the area and No. 1 on the list, because of the services, does a better service, where he is packing a little better crates or something—everybody picks No. 1.

Then they may on occasion say "I am sorry, you can't take No. 1, you have to take 2, 3, or 4," or something of that nature.

Mr. RIVERS. Then it is based on the man who advertises, like around here "Don't make a move without calling"—

Mr. BENNETT. "Smith."

Mr. RIVERS. Whomever he is.

Every time you tune in the radio you hear that.

Naturally it builds up the business for him.

Mr. BLANDFORD. Mr. Chairman, I would like to ask a question here for the record.

Mr. RIVERS. We have to start moving now.

Mr. BLANDFORD. Is it intended that the Secretary will be authorized, in the interest of the Government and the member, to return dependents of a member who is being returned for discharge under other than honorable conditions?

Let me give you a situation.

A member receives a BCD or an undesirable discharge.

He is overseas with his family.

Is it intended that this proposal would permit him to move his family back to the United States?

Major TWISDALE. Yes, sir; it is intended.

Otherwise there would be no authority to return the dependent.

Mr. BLANDFORD. Right. I have no other questions.

Mr. RIVERS. Any other questions?

(No response.)

Mr. RIVERS. It is understood now?

Do you understand what the subcommittee is going to put in the hearings?

Mr. BLANDFORD. We will put it right in the report, Mr. Chairman.

Mr. RIVERS. The report. I meant to say report.

Mr. BLANDFORD. Yes, sir.

Mr. RIVERS. We will put it in the report?

Major TWISDALE. Yes, sir.

Mr. BLANDFORD. It is not an amendment.

This is an understanding on the part of the subcommittee that this will not be used—this authority cannot be used for the return of dependents to an oversea station who have had the advantage of this authority unless the member is given a new permanent change of station or unless it is for the convenience of the Government that the member's family be returned.

Colonel SCANLAN. Wouldn't it be possible to construe convenience of the Government as a very serious injury or illness and in that case to authorize their return?

This was one of the reasons. We certainly don't want to quibble with his marital difficulties.

Mr. BLANDFORD. Well, this is where we get into the never-never land here.

That is, Mrs. Jones' father is involved in a serious accident and is given a limited number of days to live or something and she has two young children and the father is all by himself and therefore her presence is required back in the United States.

Mr. RIVERS. Unless he dies.

Mr. BLANDFORD. Now the question is: If she returns with her family at the Government expense and the household effects, because she is going to have to set up a household for the father who is seriously injured, is it then possible under, or should it be possible under this authority to move her back to Europe so that she can rejoin her husband?

Well, this is one of those questions as to how far you want to go with this. Because I think you could take the same position that we will have lots of fathers and lots of mothers who are seriously ill who will want the presence of their daughter back home with the children until their father or mother recovers, and then they go back to Europe.

My own recommendation, Mr. Chairman, is that we confine ourselves to the move back to the United States to prevent the abuses.

Mr. BENNETT. Mr. Chairman, we already voted on this, or did it by acclamation, where everybody agreed.

And it was pretty crystal clear.

This "convenience to the Government" was real convenience to the Government.

It was not a question of the convenience of the individual.

Mr. BLANDFORD. That is right.

Mr. BENNETT. We are talking now about the second trip. We are not talking about going back in the first instance.

Mr. RIVERS. No.

Mr. BENNETT. What we did before was real clear. There wasn't anything fuzzy about it. We said unless it was to the convenience of the Government, and if there is any question about it, let's reread it. And relative to the convenience of the Government, and not the individual, the dependents had only one chance to get back.

Mr. RIVERS. Yes.

Are you talking now about a serious illness to the individual?

Colonel SCANLAN. It could happen both ways, sir.

Say the individual is seriously injured. He may have to be evacuated for a time back to the States.

Mr. RIVERS. I can conceive of a serious illness—is there no provision of law now where the serious illness of a dependent, where maybe some specialist in the United States would be the only—

Mr. BLANDFORD. They have authority to evacuate the dependents. They just don't have authority to move the dependent's family and the household effects.

I mean there is no problem by putting a dependent on an evacuation aircraft for return to Walter Reed Hospital.

Mr. RIVERS. I don't think so, either.

Mr. BLANDFORD. There is no problem there.

What we are talking about is how far do you want to go in permitting people to go back and forth to Europe because of family conditions or because of personality clashes or something of that nature.

I think Mr. Bennett's—

Mr. BENNETT. I am afraid we are eroding what we have already done. Because that satisfied me.

Mr. BLANDFORD. That is right.

It is my understanding, Mr. Bennett, that it is the intent of the subcommittee that this is a one-way proposition, for the return of the dependents at Government expense and the movement of their household effects to the place in the United States where they must go, and that the dependents will not return at Government expense to the oversea station unless the service member receives a permanent change of station or unless it is for the convenience of the Government.

Mr. RIVERS. That is right.

Mr. BLANDFORD. That the family be returned to the United States.

Mr. BATES. Right.

Mr. BENNETT. Fine. That is what we decided.

Mr. BATES. Mr. Chairman, you can't bring families together by putting them apart, or something like that.

Mr. BLANDFORD. Well, if we can approve it with that?

We have one more bill.

(Mr. Bates aside to the chairman.)

Mr. RIVERS. That is a fine observation.

Without objection, under those circumstances, we will report the bill favorably to the full committee.

(Whereupon, at 11:20, the committee proceeded to further business.)

H.R. 2989

Mr. RIVERS. Now, the next bill is H.R. 2989.
(H.R. 2989 follows:)

[H.R. 2989, 88th Cong., 1st sess.]

A BILL To further amend the Missing Persons Act to cover certain persons detained in foreign countries against their will, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Missing Persons Act, as amended (50 U.S.C., App. 1001 et seq.), is amended as follows:

- (1) Section 1(a) is amended—
 - (A) by striking out clauses (1) and (2) and by inserting the following in place thereof:
“(1) a member of the uniformed services as defined in section 102 (a) and (b) of the Career Compensation Act of 1949, as amended (37 U.S.C. 231 (a) and (b)) ;” and
 - (B) by redesignating clause (3) as clause “(2)”.
- (2) Section 1(b) is amended—
 - (A) by inserting the words “Air Force,” after the word “Navy,”; and
 - (B) by striking out the words “paragraph (a) (3) above” and inserting the words “paragraph (a) (2) above” in place thereof.
- (3) Section 2(a) is amended—
 - (A) by striking out the words “or besieged by a hostile force” in the first sentence and inserting the words “besieged by a hostile force, or detained in a foreign country against his will” in place thereof;
 - (B) by inserting the words “or employment” after the word “service” in the second sentence; and
 - (C) by striking out the words “or besieged by a hostile force” in the last sentence and inserting the words “besieged by a hostile force, or detained in a foreign country against their will” in place thereof.
- (4) The first sentence of section 5 is amended—
 - (A) by striking out the words “missing or missing in action” and inserting the words “entitled under section 2 of this Act to receive or be credited with pay and allowances” in place thereof; and
 - (B) by striking out the words “being a prisoner or of being interned” and inserting the words “the circumstances of the continued absence” in place thereof.
- (5) Section 6 is amended—
 - (A) by striking out the words “and in the hands of a hostile force or is interned in a foreign country” in the first sentence; and
 - (B) by striking out the words “or missing in action” in the second sentence and inserting the words “under the conditions specified in section 2 of this Act” in place thereof.
- (6) Section 7 is amended by striking out the words “in November 1941 and any month subsequent thereto”.
- (7) Section 10 is amended by inserting the words “Air Force,” after the word “Navy”.
- (8) The first sentence of section 12 is amended by striking out the words “missing for a period of thirty days or more, interned in a foreign country, or captured by a hostile force” and inserting the words “absent for a period of thirty days or more in any status listed in section 2 of this Act” in place thereof.
- (9) Section 13 is amended to read as follows:
“Sec. 13. Notwithstanding any other provision of law, in the case of any taxable year beginning after December 31, 1940, no Federal income tax return of, or payment of any Federal income tax by—
 - “(1) a member of the uniformed services as defined in section 102 (a) and (b) of the Career Compensation Act of 1949, as amended (37 U.S.C. 231 (a) and (b)) ; or
 - “(2) any civilian officer or employee of any department ;who, at the time any such return or payment would otherwise become due, is absent from his duty station under the conditions specified in section 2 of this Act, shall become due until the earlier of the following dates—
 - “(A) the fifteenth day of the third month in which he ceased (except by reason of death or incompetency) to be absent from his duty station under

the conditions specified in section 2 of this Act, unless before the expiration of that fifteenth day he again is absent from his duty station under the conditions specified in section 2 of this Act; or

“(B) the fifteenth day of the third month following the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

Such due date is prescribed subject to the power of the Secretary of the Treasury or his delegate to extend the time for filing such return or paying such tax, as in other cases, and to assess and collect the tax as provided in sections 6851, 6861, and 6871 of the Internal Revenue Code of 1954 in cases in which such assessment or collection is jeopardized and in cases of bankruptcy or receivership.”

Mr. RIVERS. Colonel Scanlan, we recall you to the witness stand.

H.R. 2989 is the Missing Persons Act.

Mr. Blandford, I think I will let you read this.

Mr. BLANDFORD (reading):

The purpose of H.R. 2989 is to provide specific coverage under the Missing Persons Act for military and civilian personnel employed by the Federal Government in cold war situations and to reestablish the former policy of deferment of Federal income tax reporting and payment during the period such personnel are in a missing status.

Present law provides authority for the heads of executive departments and agencies to continue the pay and allowances of persons within the scope of the act who are “officially determined to be absent in a status of missing, missing in action, interned in a foreign country, captured by a hostile force, beleaguered by a hostile force, or besieged by a hostile force.” All of these terms, with the exception of the word “missing” standing alone, and possibly “interned in a foreign country,” were originally predicated upon a declared war and if treated literally, would imply a condition of declared war.

Today, a person engaged in “cold war” or other governmental activity may be apprehended and held, or tried by a foreign power, resulting in a long period of retention by a foreign force or country.

Specific coverage is requested, however, for personnel who are lost or detained under other than wartime conditions. This would be provided by inserting the phrase “detained in a foreign country against his will.”

This terminology is intended to include any situation which would involve persons who are separated from their organizations or interrupted in their assignments by action of a foreign power.

Under existing law, exception to this general rule is authorized if the head of the department or agency concerned so determines. For example, absence without authority, imprisonment by a court having jurisdiction under status of forces agreements, etc.

Existing law would also be amended to provide for the filing and payment of income tax on the 15th day of the 3d month after termination of the “missing” status or after an executor, administrator or conservator of the estate of a missing person has been appointed.

This provision was an integral part of the act when it was approved in 1942 and continued in effect until December 31, 1947.

It was not reestablished when the remainder of the act was reactivated by the Selective Service Act of 1948. As in the illustration above, in a cold war situation there is increased likelihood that individuals determined to be covered under the law may continue in the “missing” status for an extended period of time.

During such disability the individual is unable to file and pay taxes on his own behalf, and under the Revenue Act, there is no one who is responsible for filing on his behalf. Should the normal 3-year period for filing for refund by the individual run out during the period of disability, or if interest is running on additional tax due from him, no relief is authorized under the Revenue Code. The requested provision is considered to be necessary for orderly and equitable administration of the affairs of missing persons.

Existing law is amended by the proposed bill to define the military personnel who are covered under the act in consonance with the definitions provided in the Career Compensation Act of 1949, as amended, 37 U.S.C. 231.

This clarification will allow a common application of the definitions set forth in the Career Compensation Act and obviate the need for future amendment to meet changes in military personnel designations.

Other clarifying word changes or additions are also set forth in the proposed bill.

Passage of this legislation will not increase costs to the Department of Defense. The Department is presently applying the law to persons who are carried as "missing."

Some technical amendments to the bill are necessary because of code references.

Mr. RIVERS. Colonel, we will be glad to hear from you.

Colonel SCANLAN. All right, sir.

Mr. RIVERS. Thank you, Mr. Blandford.

STATEMENT OF COL. J. W. SCANLAN, POLICY DIVISION, DIRECTORATE OF PERSONNEL PLANNING, HEADQUARTERS, U.S. AIR FORCE

Colonel SCANLAN. I am again privileged to appear before you today to express the unqualified support of the Department of Defense for the provisions of H.R. 2989.

The purpose of this proposed legislation is to clarify existing legislation to perfect the administration of the Missing Persons Act. At present, the benefits of the Missing Persons Act are provided for persons within the scope of the act who are "officially determined to be absent in a status of missing; missing in action; interned in a foreign country, captured by a hostile force, or besieged by a hostile force."

All of these terms with the exception of the word "missing" standing alone and possibly "interned in a foreign country" were originally predicated upon a declared war and if treated literally would imply a condition of declared war. The amendment to the Missing Persons Act is to provide for specific coverage in cold war situations for military and civilian personnel employed by the Federal Government.

To assist further in an orderly and equitable administration of the act, amendment to reestablish former policy of deferment of Federal income tax reporting and payment during the period such personnel are in a missing status is also recommended.

The need for clarifying legislation to perfect the administration of the Missing Persons Act (MPA) is illustrated by the cases of the two RB-47 pilots shot down by the Soviets over the Barents Sea on July 1, 1960.

Capt. John R. McKone and Capt. Freeman B. Olmstead were released on January 26, 1961, without having been tried.

The carrying of Captain McKone and Captain Olmstead, the RB-47 pilots, in a "missing" status during their absence, the only term of the Missing Persons Act that had literal application to their situation, when for all practical purposes their whereabouts were known, provided an administrative anomaly for the Air Force.

In addition, had Captain McKone and Captain Olmstead been tried and forced to serve 10-year sentences, administration under the present terminology of the act would be strained.

Section 13 of the Missing Persons Act is amended to provide for the filing and payment of income tax on the 15th day of the 3d month after termination of the "missing" status or after an executor, administrator, or conservator of the estate of a missing person has been appointed.

This provision was an integral part of the Missing Persons Act when it was approved in 1942 and continued in effect until December 31, 1947. It was not reestablished when the remainder of the act was reactivated by the Selective Service Act of 1948.

As in the illustration above, in a cold war situation there is increased potential that individuals determined to be covered under the Missing Persons Act may continue in the "missing" status for an extended period of time.

During such disability the individual is unable to file and pay taxes on his own behalf, and under the Revenue Code, there is no one who is responsible for filing on his behalf.

Should the normal 3-year period for filing for refund by the individual run out during the period of disability, or if interest is running on additional tax due from him, no relief is authorized by the Revenue Code.

The requested provision is considered to be necessary for orderly and equitable administration of the affairs of missing persons.

The balance of the changes are for the purpose of defining the military personnel who are covered under the act in consonance with the definition provided in 37 U.S.C. 231.

The clarification will allow for common application of the present definitions and obviate the need for future amendment to meet changes in military personnel designations.

Mr. RIVERS. This makes provision for cold war as we did in hot wars?

Colonel SCANLAN. Yes, sir.

Mr. BLANDFORD. Yes, sir.

Mr. RIVERS. With the addition of certain civilians.

And it also extends the time of the filing for income tax purposes until the 3d month, the 15th day, after he has terminated or the administration of the estate has been set up?

Colonel SCANLAN. With one exception, Mr. Chairman. It does not add any additional civilians to coverage. It merely clarifies the coverage that they now have. The same applies to military personnel.

Mr. RIVERS. It clarifies?

Colonel SCANLAN. Yes, sir.

Mr. RIVERS. Wherever there is a fuzzy area, it clarifies.

Mr. BLANDFORD. There are only two provisions, actually.

In spite of the wording of the bill, Mr. Chairman, there are only two features of it. The rest is all technical. It adds "detained against their will."

Mr. RIVERS. That is right.

Mr. BLANDFORD. As a category of people who will be covered as missing.

And it reinstates the law which permits a person who is finally released or returned to the United States or who is declared dead and an administrator is appointed to settle his income-tax problems.

Mr. RIVERS. Yes.

Mr. BLANDFORD. Not later than 15th day of the 3d month after he is returned to the jurisdiction of the United States.

Mr. RIVERS. That is right. Or his estate has been set up.

Mr. BLANDFORD. And his administrator has been appointed.

Mr. RIVERS. Yes.

Mr. BENNETT. Without objection.

Mr. RIVERS. Any questions?

Mr. BATES. Mr. Chairman?

What is the purpose in these cases here to declare somebody missing per se?

Why couldn't you continue just to carry them?

Mr. BLANDFORD. You can, Mr. Bates, except that it is a rather weird construction to say that a man whose location is known is in missing status.

He is obviously not missing if you know where he is.

Mr. BATES. Is that what you are going to do here?

Mr. BLANDFORD. You are going to include the word "detained."

He is not beleaguered, he is not captured by a hostile force; he is not missing in the sense they know exactly where he is—he does not fit any of the categories legally.

So they just stretched their imagination, and nobody has questioned it.

But what they are seeking now is a clarification of the law so they won't have to strain at gnats in order to apply this law to them, and to also give them the advantage of the tax feature which the Collector of Internal Revenue has, as I understand it, been rather generous in letting them do.

But if there had to be a strict application of the law, I don't know what they would do to collect taxes.

Mr. BATES. Is there any provision accepting to the 15th day of the third month?

Mr. BLANDFORD. Not in the existing law. There is no authority.

Mr. BATES. You are going to do nothing else in this bill but that, are you?

Mr. RIVERS. And "detained against his will."

Colonel SCANLAN. In regard to taxes, no, sir.

Mr. BATES. In regard to taxes?

Colonel SCANLAN. In regard to taxes we are giving him the time to file.

Mr. BATES. Why do you want to include these people as detained under the missing persons bill?

So the dependants can get the money, or what?

Colonel SCANLAN. So we would have established without any doubt whatsoever the fact that they are specifically covered by the Missing Persons Act.

Mr. BATES. All right.

Now what do you do de facto in that group?

Colonel SCANLAN. Pardon me?

Mr. BATES. De factor, in all the 10 that are missing in China?

Colonel SCANLAN. They are now considered to be covered under the Missing Persons Act.

Mr. BATES. But they are the same as these two here?

Colonel SCANLAN. That is right.

Mr. BATES. You know where most of them are?

You just can't get them out?

Colonel SCANLAN. And I think the McKone and Olmstead cases highlighted this situation, that we did not have a specific term in the act which applied to them.

Mr. BATES. I am trying to understand why you wanted to put them in this category. That is what I am trying to understand.

Colonel SCANLAN. Well, this is the closest descriptive phrase that we could find that we could cover them under.

Mr. BATES. Why do you have to cover them?

That is what I am trying to find out.

Mr. BLANDFORD. May we go in executive session, Mr. Chairman.

Mr. RIVERS. Well, we better. We had better, at this point, if we are going to get into those questions.

Mr. BATES. I am not asking for anything of a security nature. I am just talking about the practical purposes. Is it so you can pay the family or what?

Colonel SCANLAN. Yes, sir.

Mr. BATES. Is this—

Colonel SCANLAN. In other words, the Missing Persons Act enables us to continue paying allowances for the people who are involved.

Mr. BATES. All right.

Mr. RIVERS. Then you see, the GAO—they have to get around the GAO regulations, too.

Colonel SCANLAN. And under the present terminology of the act there is some little doubt that the law even applies to these people.

Mr. RIVERS. That is right.

Colonel SCANLAN. Who are carried as missing when their whereabouts are known.

Mr. BLANDFORD. As a matter of fact, there is more than some little doubt.

It is very clear on the face of it that if somebody questioned the payment, there would be no way that they could cover them legally, unless you just strain at all sorts of interpretations. And a strained interpretation eventually leads to other strained interpretations, which ends up in a distortion of the law.

This is to clarify it.

Mr. BATES. Do you have anybody in this category right now?

Mr. BLANDFORD. Yes, sir.

Colonel SCANLAN. Yes, sir.

Mr. RIVERS. We do.

I referred to it as the fuzzy area. It is a clear area of doubt, as well as a fuzzy area.

Mr. BLANDFORD. Yes, sir.

Mr. RIVERS. Are there any other questions?

(No response.)

Mr. RIVERS. Without objection, the bill is reported favorably to the full committee.

Mr. BLANDFORD. With technical amendments, Mr. Chairman.

There is some minor technical amendments.

Mr. RIVERS. What are the technical amendments?

Mr. BLANDFORD. Referring to 37 United States Code, instead of the Career Compensation Act.

They are purely codification changes.

Mr. RIVERS. You are going—

Mr. BLANDFORD. I've already corrected them.

Mr. RIVERS. Without objection, they will be corrected.

Without objection, the bill will be reported favorably to the full committee.

And without objection, the committee is adjourned until further notice.

Mr. BATES. And without objection, it is nice to see you.

(Whereupon, at 11:30 a.m., the subcommittee was adjourned, subject to call of the Chair.)